

respectfully disagrees with the Examiner's rejections. It is a fundamental principal of patent law that to constitute anticipation, all material elements of a claim must be found in one prior art source. In re Marshall (CCPA 1978) 577 F2d 301, 198 USPQ 344. Neither Campbell et al. nor Borchers discloses a door opener having a "(d) top face extending outwardly from said rear face at an angle of 90° or less". Campbell et al. shows a hook 24 mounted to a bracket 12 having a side plate 30. Borchers discloses a fingerpiece 15 provided on the front leg 12 of member 10. Clearly, neither Campbell et al. nor Borchers recites all of the elements of the present claims, and in accordance with In re Marshall, the rejection under 35 U.S.C. §102 is improper and must be withdrawn and such action is respectfully requested.

The Examiner has rejected claims 2 to 6 under 35 U.S.C. §103(a) as being unpatentable over Campbell et al., stating that Campbell et al. teaches using screws to secure the rear face, that use of adhesive is a matter of design choice, and that choice of brass or stainless steel, as well as forming the opener from a single sheet of material, would be obvious to one skilled in the art.

Applicant respectfully disagrees with the Examiner's position. Campbell et al. does not teach or otherwise suggest a top face extending outwardly from said rear face at an angle of 90° or less. Moreover, there is no obvious reason to incorporate the inventive top face into the Campbell et al. door hook 10. Rather, the addition of the inventive top face to Campbell et al. would structurally interfere with an individual's use of the hook 24, potentially rendering the door hook 10 non-functional. Thus, insofar as Campbell et al. does not teach or suggest the door opener of the present invention as set forth in claim 1, Campbell et al. also does not teach the subject matter set forth in claims 2 to 6. Accordingly, reconsideration and withdrawal of the rejection of claims 2 to 6 under 35 U.S.C. §103(a) as being unpatentable over Campbell et al. is respectfully requested.

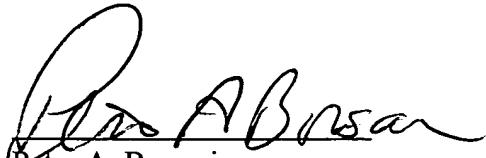
The Examiner has indicated that claims 7 to 10 and 12-20 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph. As discussed above, it is believed that the amendments to claims 1, 12 and 17 overcome this rejection. Based on the foregoing, it is believed that claims 1 to 20, as amended, are in condition for allowance and such action is respectfully requested.

Application hereby petitions for a two month extension of time under 37 CFR 1.17(b), up to and including February 8, 2005. A check in the amount of \$225.00 in payment of the two month extension of time fee is submitted herewith.

Also submitted herewith is a Change of Correspondence notice.

If the Examiner has any questions regarding this response, he is asked to contact the Applicant's attorney at (302) 227-2364.

Respectfully submitted,


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